

**IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE**

WILLIE DAVIS, JR., NATHANIEL BRIDDELL,)
GEORGE W. FEDDIMAN, JOSEPH GARRISON,)
LARRY E. GIBBS and ROY H. WALTERS,)

C. A. NO. 04-0414-SLR

JURY TRIAL DEMANDED

ALL SIMILARLY-SITUATED CURRENT AND)
FORMER EMPLOYEES OF MOUNTAIRE)
FARMS, INC., MOUNTAIRE FARMS OF)
DELMARVA, INC., and MOUNTAIRE FARMS)
OF DELAWARE, INC.,)

COLLECTIVE ACTION

Plaintiffs,)

v.)

MOUNTAIRE FARMS, INC.,)
MOUNTAIRE FARMS OF DELMARVA, INC.,)
and MOUNTAIRE FARMS OF)
DELAWARE, INC., all Delaware corporations,)

Defendants.)

DEFENDANTS' PROPOSED VOIR DIRE TO JURY PANEL

Good morning, ladies and gentlemen. I am Judge Robinson, and I will be presiding over the trial for which a jury is about to be drawn in the case captioned Davis v. Mountaire Farms.

Briefly stated, this case is a civil action brought by plaintiff(s) Willie Davis, Jr., Nathaniel Briddell, Joseph Garrison, Larry E. Gibbs and Roy H. Walters against the defendant Mountaire Farms of Delmarva, Inc.

The trial is expected to last from _____; our trial days will run approximately from _____ a.m. to _____ p.m.

Plaintiff(s) is/are represented by Jeffrey K. Martin, an attorney with Martin & Wilson. Defendant(s) is/are represented by Arthur Brewer and Eric Hemmendinger, attorneys with Shawe & Rosenthal. With them is Matthew Boyer, of Connelly, Bove, Lodge & Hutz.

In light of this brief summary, I will ask the panel certain questions, the purpose of which is to: (1) enable the Court to determine whether or not any prospective juror should be excused for cause; and (2) enable counsel for the parties to exercise their individual judgment with respect to peremptory challenges, that is, challenges for which no reason need be given by counsel. If any of you answer any question "yes," please stand up and, upon being recognized by the Court, state your juror number. When I have concluded asking all the questions, we will call you to the bench individually to speak with you about your affirmative response or responses.

HAVE CLERK ADMINISTER OATH TO THE PANEL

1. Is any member of the panel related to the plaintiffs? They are Willie Davis, Jr., Nathaniel Briddell, Joseph Garrison, Larry E. Gibbs and Roy H. Walters?
2. Is any member of the panel related to the defendant or personally acquainted with any officer, director, or employee of, or ever done business with, Mountaire Farms?
3. Is any member of the panel related to, or personally acquainted with Jeffrey Martin, plaintiff's attorney or ever been represented by him or by any associate or member of his law firm, Martin & Wilson?
4. Is any member of the panel related to, or personally acquainted with Arthur Brewer or Eric Hemmendinger, defendant's attorneys or ever been represented by him or by any associate or member of his law firm, Shawe & Rosenthal? Is any member of the panel related to,

or personally acquainted with Matthew Bower, defendant's attorneys or ever been represented by him or by any associate or member of his law firm, Connolly, Bove, Lodge & Hutz?

5. Is any member of the panel related to, or personally acquainted with, any of the following individuals who might appear as witnesses in this case:

Willie Davis, Jr., Nathaniel Briddell, Joseph Garrison, Larry E. Gibbs and Roy H. Walters, Phil Owen, Douglas Lynch, David Nuse, Susan McCauley, Alan Zlotorzynski

6. Does any member of the panel have any personal knowledge of this case, or have you read or heard it discussed, or have any opinion regarding it?

7. Has any member of the panel ever been a plaintiff or a defendant in a civil lawsuit?

8. Has any member of the panel ever served as a juror in a Fair Labor Standards Act or other lawsuit involving wage-hour law?

9. Does any member of the panel have any experience with, or knowledge of, the Fair Labor Standards Act or other wage-hour laws?

10. Does any member of the panel have any special disability or problem that would make it difficult or impossible for you to serve as a member of the jury in this case?

Defendant's proposal a. Do any of you have difficult reading and writing in English?

Defendant's proposal b. The Defendant Mountaire Farms is the business of growing, killing and processing chickens. Do any of you have any feelings or beliefs about the treatment or eating of animals that would affect your thinking about this case? Are any of you members of PETA (People for the Ethical Treatment of Animals) or another animal rights group?

Defendant's proposal c. Have you, or someone close to you, been involved in a job-related lawsuit, charge, grievance or other dispute with an employer?

Defendant's proposal d. Have you felt that you, or someone close to you, was improperly denied overtime or misclassified as exempt from overtime?

Defendant's proposal e. Have you or anyone close to you had any experience with Mountaire Farms that affects your opinion of the Company.

Defendant's proposal f. Are you a member of the Teamsters Union or any other labor union?

11. Does any member of the panel know of any other matter which you believe should be called to the court's attention as having some bearing upon your qualifications or ability to sit as a juror, or which you think may prevent you from rendering a fair and impartial verdict based solely upon the evidence and my instructions as to the law?

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